

ZB# 00-43

Slepoy / Borko

69-4-26.13

Prelim.

Sept. 11, 2000
Money needed &
+ checks

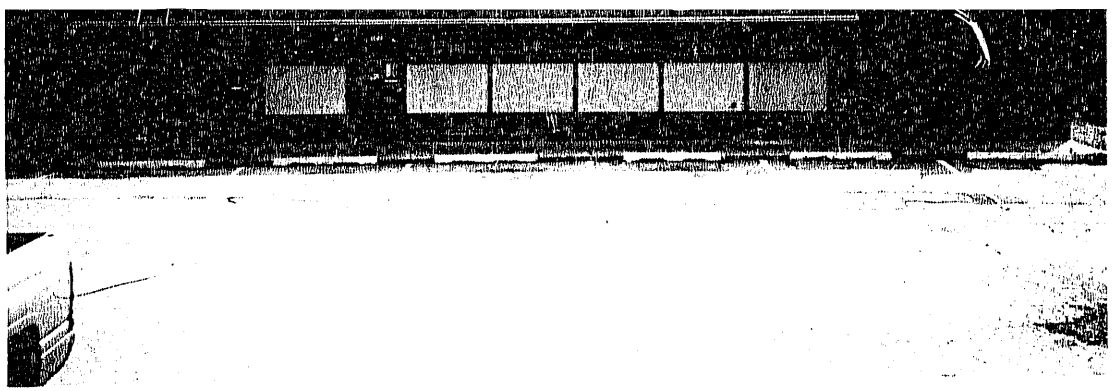
Public Hearing:
Oct. 23, 2000.
Significance
Granted

Refund: \$403.00

00-43-Slepoy, Herb/Boko

Area-Sign
69-4-26.13





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Slepoy, Herbert

FILE# 00-43

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X SIGN

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

*paid
10/4/00
#190*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

189.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/4/00 3 \$ 13.50
2ND PRELIMINARY- PER PAGE 10/24/00 3 \$ 13.50
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 9/11/00 \$ 35.00
2ND PRELIM. 10/24/00 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING. \$
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 97.00

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT .. \$ 403.00

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(914) 563-4811

RECEIPT
#769-2000

10/10/2000

Borko, Inc. S.& J.

Received \$ 150.00 for Zoning Board Fees, on 10/10/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

ZBA # 00-43

CR # 189 \$ 150.⁰⁰

Dorothy H. Hansen
Town Clerk

S & J BORKO INC
P O BOX 701
VAILS GATE, NY 12584

189

10/4/2000

DATE

1-108/210

PAY TO THE
ORDER OF

Town of New Windsor

\$ 150.00

One Hundred Fifty and $\frac{00}{100}$

DOLLARS



Security
Features
Outline on
Back

HSBC 

HSBC Bank USA Vails Gate, NY 12584

FOR

sign variance app. fee #00-43

Sten Blw

⑆021001088⑆078796227⑈ 0189

Patricia C. Consett
ZBA

S & J BORKO INC
P O BOX 701
VAILS GATE, NY 12584

190

1-108/210

10/4/2000

DATE

PAY TO THE
ORDER OF

Town of New Windsor

\$ 500.00

Five Hundred and 00/100

DOLLARS



Security
Features
Outline on
Back.

HSBC



HSBC Bank USA Vails Gate, NY 12584

2BA

FOR Sign Variance escrow # DD-43

Stew Bh

⑆021001088⑆078796227⑆ 0190

© HARLAND

In the Matter of the Application of

SLEPOY/BORKO

#00-43.

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES

WHEREAS, HERBERT SLEPOY, 104 South Central, Room 20, Valley Stream, N.Y. 11580, owner, and **STEVEN BORKO**, Vice President of Play It Again, Sports, 1019 Rt. 94, Box 701, Vails Gate, N. Y. 12584, tenant, have made application before the Zoning Board of Appeals for a 10 inch sign height, plus 7 ft. 6.5 inch sign width variances for a facade sign at the former "Headmasters" store on Route 94 in a C zone; and

WHEREAS, a public hearing was held on the 23rd day of October, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant Steven Borko appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located in a neighborhood of commercial properties.
 - (b) The Applicant seeks to erect a façade sign which is larger than that allowed by the Code.
 - (c) The structure is located in a depression thus partially concealing it from passing motorists.

(d) The sign will be illuminated from the interior, will be a steady illumination, non-flashing and will not be neon.

(e) The proposed sign will not extend above the peak of the roof.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations are self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

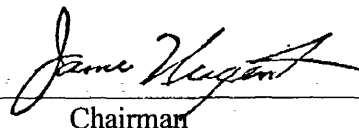
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 10 inch sign height variance, plus a 7 ft. 6.5 inch sign width variance for a proposed façade sign at the above location, in a C zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New

Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: December 11, 2000.

A handwritten signature in cursive script, appearing to read "James Nugent", is written over a horizontal line.

Chairman

Date11/13/00....., 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TOFrances Roth..... DR.

168 N. Drury Lane
Newburgh, N.Y. 12550

| DATE | | | CLAIMED | ALLOWED |
|----------|--------------------|-------|---------------|---------|
| 11/24/00 | Misc - 1 | | | |
| | De Laney - 1 | | | |
| | Vcar - 5 | | | |
| | Orr - 3 | | | |
| | Robare - 3 | | | |
| | Moore - 3 | | | |
| | Sepay/Borvo - 3 | 13.50 | | |
| | Calvet - 7 | | | |
| | Cactus Resort - 15 | | | |
| | ZBA Mtg | | 75 00 | |
| | 41 | | 164 00 | |
| | | | <u>239 00</u> | |

SLEPOY/BORKO

MR. NUGENT: Request for 10 in. sign height, plus 7 ft. 6.5 in. sign width variances for wall sign at 1011 Rt. 94 in a C zone. Is anyone here for Slopoy/Borko? Let the record show there's no one in the audience.

Mr. Steven Borko appeared before the board for this proposal.

MS. CORSETTI: Let the record show that 28 notices went out to adjacent property owners on October 10.

MR. NUGENT: Okay, you're on.

MR. BORKO: I'm requesting a variance for slightly larger sign than local ordinance would allow. This is a new business, it would be a route sign across a mansard roof on the property. I have a host of I guess rationale for the sign, all the neighboring retail establishments have considerably larger signs than the local ordinance, Pizza Hut, Advanced Auto and Price Chopper all have very large signs. Additionally, the property is sunk down off the road a little bit, all you really see is the roof line and the roof line is also 55 feet long, so it would be aesthetically incorrect, I believe, to have a ten foot long sign on that roof line. Additionally, the franchise to which I'm a part of would normally issue a 20 foot sign, that is their standard sign, I was able to procure a used sign that was the dimensions that you see before you that I'm actually requesting the variance for which is smaller than the normal sign would be, that's it.

MR. REIS: Do you have a rendering of the sign?

MR. NUGENT: No, I have a picture of the building you can take a look at.

MR. TORLEY: What was in there before?

MR. BORKO: This was an auto parts store.

MS. CORSETTI: Headmasters.

MR. BORKO: I have it superimposed what it would look like.

MR. TORLEY: Is this the only sign you're going to be using?

MR. BORKO: No, I have a pylon sign on the road which conforms to local ordinance.

MR. MC DONALD: That's up already?

MR. BORKO: Yes.

MR. KANE: Is this sign going to be illuminated?

MR. BORKO: Yes, it will, it's a channel letter box sign.

MR. KRIEGER: So, it will be steady illumination, non-flashing, no neon?

MR. BORKO: Correct.

MR. REIS: Accept a motion?

MR. NUGENT: I'd like him just to see it.

MR. TORLEY: You said that this sign is smaller than the corporate standard, you were able to obtain a used sign?

MR. BORKO: Somewhat smaller, yes.

MR. KRIEGER: This sign will not extend above the peak of the roof?

MR. BORKO: No, it will not.

MR. NUGENT: I'll accept a motion.

MR. REIS: Make a motion that we grant Mr. Borko his requested variance for the sign at 1011 Route 94.

MR. KANE: Second the motion.

October 23, 2000

19

ROLL CALL

| | |
|--------------|-----|
| MR. REIS | AYE |
| MR. MCDONALD | AYE |
| MR. KANE | AYE |
| MR. TORLEY | AYE |
| MR. NUGENT | AYE |

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: July 17, 2000

APPLICANT: Herb Slepoy
104 South Central, Room 20
Valley Stream, NY 11580

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Proposed Wall Sign

LOCATED AT: 1011 Route 94

ZONE: C Sec/ Blk/Lot: 69-4-26.13

DESCRIPTION OF EXISTING SITE: Existing C-1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed 17ft-6in x 40in Wall sign will exceed maximum permitted size.


BUILDING INSPECTOR

PERMITTED 2ft-6in x 10ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE: 4&18-B-1

SIGN:

FREESTANDING:

HEIGHT:

40in

10in

WIDTH:

17ft-6.5in

7ft-6.5in

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A.. APPLICANT. FILE.W/ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

RECEIVED

JUL 10 2000

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of the inspection it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

JUL 14 2000

RECEIVED

JUL 16 2000

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

Town of New Windsor Bldg. Dept.
Town of New Windsor Bldg. Dept.

FOR OFFICE USE ONLY:
Building Permit #: 672-2000

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Windsor Associates - contact: Herb Slepoy

Address 104 South Central Ave, Room 20 Phone 516-872-9572

Mailing Address Valley Stream, NY 11580

Name of Architect _____

Address _____ Phone _____

Name of Contractor SIGN HERE SIGN Co INC.

Address 58-60 Jersey Ave Port Jervis NY Phone 914-858-6366

State whether applicant is owner, lessee, agent, architect, engineer or builder Agent - Sign Contractor

If applicant is a corporation, signature of duly authorized officer. Paul Bourdoin Secretary
(Name and title of corporate officer)

1. On what street is property located? On the South side of Rt. 94
(N,S,E or W)
and 200 feet from the intersection of Rt. 32 and Rt. 94
2. Zone or use district in which premises are situated retail Is property a flood zone? Y N ✓
3. Tax Map Description: Section 69 Block 4 Lot 2613
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy retail b. Intended use and occupancy retail
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other or
SIGNS
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost 2,000.00

Fee

\$50.00

Ck#

102

Rec#

1200

PAID

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and property authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

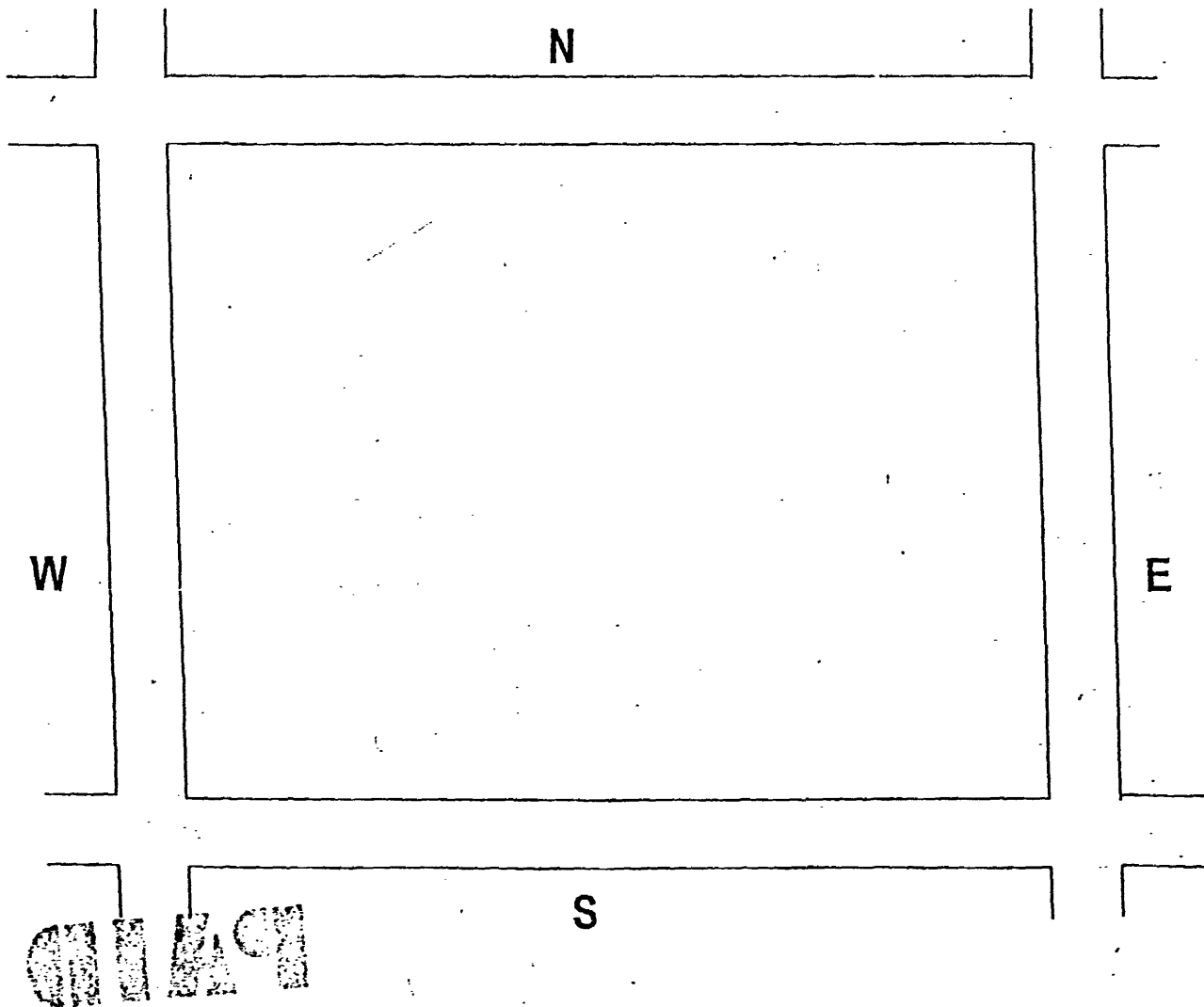
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





individual channel letters mounted to raceway
channel letters internally lit with neon



ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

AFFIDAVIT OF
SERVICE
BY MAIL

Play It Again Sports/Slapay
00-43.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 10th day of October, 2000, I compared the 28
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

September 14, 2000

28

Gail Bowdoin
58-60 Jersey Avenue
Port Jervis, NY 12771

Re: 69-4-26.13 Herbert Slepoy

Dear Ms. Bowdoin:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LD/lrd
Attachments

CC: Pat Corsetti, ZBA

National Temple Hill Association, Inc.
PO Box 315
Vails Gate, NY 12584

Coleen J. Bernhardt
PO Box 407
Vails Gate, NY 12584

Beatrice Deyo
Marie Hannah
Lawrence Arthur Scherf
PO Box 293
Vails Gate, NY 12584

SNJ Corporation
C/o Big V Supermarkets
176 South Main Street
Florida, NY 10921

Jean Boneri
1043 Route 94
Vails Gate, NY 12584

Central Hudson Gas & Electric Corp.
284 South Avenue
Poughkeepsie, NY 12601

V.G.R. Associates
C/o Irving S. Bobrow, Manager
40 East 69th Street
New York, NY 10021

Helen Simonson
PO Box 485
Vails Gate, NY 12584

Jean & Raymond Dahlin
PO Box 508
Vails Gate, NY 12584

Konstantinos G. Panagiotopoulos
Theodore K. Panagiotopoulos
65 Eisenhower Drive
Middletown, NY 10940

Ella Brewer
PO Box 527
Vails Gate, NY 12584

Franchise Realty Interstate Corp.
C/o Colley & McCoy Co.
PO Box 779
Croton Falls, NY 10519

Leon & June Trudeau
94 Canterbury Road
Fort Montgomery, NY 10928

Wilbur & Mary Brewer
PO Box 610
Vails Gate, NY 12584

Mobil Oil Corporation
C/o Exxon Mobil Corporation
Property Tax Division, PO Box 4973
Houston, TX 77210-4973

Angelo Rosmarino Enterprises, Inc.
P.O. Box 392
Vails Gate, NY 12584

Jay K. Ernst
2465 Palisades Avenue Apt. 3E
Bronx, NY 10463

Samuel Leonardo
7 Dogwood Hills
Newburgh, NY 12550

Amerada Hess Corporation
C/o Dean E. Cole, Manager
Property Tax Department
1 Hess Plaza
Woodbridge, New Jersey 07095

Walter Brewer
PO Box 293
Vails Gate, NY 12584

4 Acres, L.L.C.
104 South Central Avenue
Valley Stream, NY 11580

MCB Partnership
521 Green Ridge Street
Scranton, PA 18509

Mary McMillen
C/o Catherine Cignorale
PO Box 153
Vails Gate, NY 12584

Fred Plus 3, LLC
104 South Central Avenue
Valley Stream, NY 11580

DB Companies
DBA DB Mart Convenience Stores
PO Box 9471
Providence, RI 02940

Russell A. & Ruth Ann Brewer Jr.
Box 103
Vails Gate, NY 12584

West Point Tours
PO Box 125
Vails Gate, NY 12584

Helen, Ida Mae & Michael Brewer
PO Box 293
Vails Gate, NY 12584

Date 9/13/10, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE

CLAIMED

ALLOWED

| DATE | | | | CLAIMED | ALLOWED |
|---------|--|---------------------|--|---------|---------|
| 9/11/10 | | Zoning Board Mtg | | 75.00 | |
| | | Misc 1 | | | |
| | | Slego - 3 13.50. | | | |
| | | Sandcastle - 2 9.00 | | | |
| | | Calvet - 4 | | | |
| | | Evans - 4 | | | |
| | | Moore - 3 13.50 | | | |
| | | Hunsinger - 3 13.50 | | | |
| | | Kelly - 3 13.50 | | | |
| | | Pearson - 2 9.00 | | | |
| | | Schlesinger - 8 | | | |
| | | Lehman - 2 9.00. | | 157.50 | |
| | | 35 | | 232.50 | |

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

SEPTEMBER 11, 2000

MEMBERS PRESENT: LAWRENCE TORLEY, VICE CHAIRMAN
LEN MCDONALD
LAWRENCE TORLEY
MICHAEL REIS
JAMES NUGENT (ARRIVING LATE)

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

PATRICIA CORSETTI
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE

PRELIMINARY MEETINGS:

SLEPOY, HERBERT

Mr. Steve Borko appeared before the board for this proposal.

MR. TORLEY: Request for 10 in. height and 7 ft. 6 in. sign width variances for wall sign at 1011 Route 94 for Play It Again Sports, next to Pizza Hut, in a C zone.

MR. BORKO: I have just opened up a new business, the old Headmasters store next to Pizza Hut and I'm requesting a variance for I believe additional 7 feet of length on the sign and additional ten inches of length on the sign height. The store that I'm opening up is a franchise, standard franchise sign is 24 feet

in length and I was able to obtain a used sign that's considerably smaller which is what I'm seeking a variance for.

MR. TORLEY: Corporate standard is 24 feet and you're putting up a 17 foot one?

MR. BORKO: Correct, an additional concern is I have 50 feet of roof line to cover so realistically, I was held to the standard of really, really wouldn't have enough signage to cover. I'm also next door to Pizza Hut who was given a variance and I'm across the street from Price Chopper who was given a variance.

MR. REIS: This is the building just for the record down in the valley there?

MR. BORKO: Sunken off the road, correct.

MR. TORLEY: This is the only sign not freestanding, no other?

MR. BORKO: Correct, I have a pylon sign that I have built specifically to code.

MR. TORLEY: Again, purpose is preliminary meeting. Gentlemen, do you have any other questions? Motion on this.

MR. REIS: Make a motion that we grant Mr. Steven Borko for the public hearing for his requested variance.

MR. MC DONALD: Second it.

ROLL CALL

| | |
|---------------|-----|
| MR. MC DONALD | AYE |
| MR. REIS | AYE |
| MR. TORLEY | AYE |

MR. TORLEY: He'll need a proxy, won't he?

MR. KRIEGER: Yes.

MR. TORLEY: Since you're not the owner, you'll need a

proxy.

MS. CORSETTI: You can fax one to me.

MR. KRIEGER: If you would, take this sheet here, these are the criteria on which the Zoning Board must decide by state law. So if you would address yourself to those criteria, that would be helpful.

MR. BORKO: Forgive me, I'm not sure where I'm going from here.

MR. TORLEY: Fill out the paperwork that's written up, actually it's an intelligible government form.

(Whereupon, Mr. Nugent entered the room.)

MR. BORKO: At this point I fill out the paperwork and I'm tentatively approved?

MR. KRIEGER: No, you fill out the form.

MS. CORSETTI: We have a public hearing that you have to go to, all the information is on that sheet.

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 00-43

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Herb Slepoy, deposes and says:
I am the OWNER of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 69 BLOCK 4 LOT 26.13. I HEREBY AUTHORIZE Ray II Agin Seeds / svt J Berko, Inc. of Steven Berko (company name) to make an application before the ZONING BOARD OF APPEALS as described in the within application. which is limited to seeking a variance

Dated: 10/4/2000

of section 48-18-8-1 - Supp sign regs
for installation of a 40" x 17'6 1/2" wall sign.

Herbert Slepoy
(Signature of Owner)

Sworn to before me this

4th day of October, 2000

John Brown
Notary Public

JANICE BARON
Notary Public, State of New York
No. 0126488874
Qualified in Nassau County
Commission Expires April 28, 2001

(ZBA DISK#1-060895.PXY)

PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 43

Request of PLAY IT AGAIN SPORTS / Slepyay.

for a VARIANCE of the Zoning Local Law to Permit:

40' x 17' 6 1/2" wall sign on building formerly
leased by Headmasters

being a VARIANCE of Section 48-18-B-1-Supp. Sign Regs.

for property situated as follows:

1011 ROUTE 94,

known and designated as tax map Section 69, Blk. 4 Lot 26.13

PUBLIC HEARING will take place on the 23rd day of October, 2000, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

BAS67640

Standard N.Y.B.T.U. Form #002-40M-

-Bargain and Sale Deed, with Covenants against Grantor's Acts-Individual or Corporation. (single sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the **29th** day of September, nineteen hundred and seventy-sev**EN**
BETWEEN HERBERT SLEPOY, residing at 881 Knota Road, Woodmere, Nassau
 County, New York, (having a 75% interest) and FRED GARDNER, residing
 at 1 Cobb Court, Huntington, Suffolk County, New York, (having a 25%
 interest), d/b/a WINDSOR ASSOCIATES,

party of the first part, and SANSTE PROPERTIES, INC. with offices at 155 Carver
 Street, Huntington, Nassau County, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the Southerly side of New York State Highway Route 94 leading from Newburgh to Chester, said point of beginning also being Northwesterly corner of lands of the McDonald's Corporation and running: (1) Thence from said point of beginning along the westerly line of lands of the McDonald Corporation the following courses and distances:

1. South 5°35'20" West 150.94' to an iron bar
2. Thence North 77°56' West 9.90' to a point
3. Thence South 29°11'09" West 162.42' to a point
4. Thence South 50°47' West along lands of the Central Hudson Gas and Electric Corporation 60.00' to a point
5. Thence along the Northeasterly line of lands of the Central Hudson Gas and Electric Corporation North 39°13' West 352.16' to a point in the center of New York State Highway Route 94
6. Thence through the center of said road South 89°41'30" East 17.59' to a point
7. Thence still through the center line of said road North 78°33'31" East 34.00' to a point
8. Thence South 4°06'30" East 23.83' to a point on the Southeasterly side of said New York State Highway Route 94
9. Thence along the southerly side of said highway North 77°20' East 328.26' to the place of BEGINNING.

SUBJECT to covenants, restrictions and easements of record.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

HERBERT SLEPOY

FRED GARDNER

NO CONSIDERATION
 NO STAMPS REQUIRED

155520600 PAGE 1000

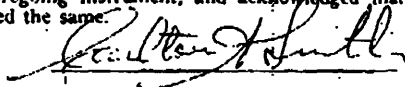
STATE OF NEW YORK, COUNTY OF SUFFOLK

SS:

On the 29th day of September 1977
personally came

HERBERT SLEPOY and

FRED GARDNER

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
they executed the same.CARLTON A. SMITH
NOTARY PUBLIC, State of New York
No. 30-4503095
Qualified in Nassau County
Commission Expires March 30, 1979

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19, before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No.that he is the
ofthe corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corpora-
tion, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19, before me
personally cameto me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19, before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No.

that he knows

to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.**Bargain and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. BAS67640

HERBERT SLEPOY and
FRED GARDNER, etc.

SANSTE PROPERTIES, INC.

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded at Request of
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

FRED GARDNER, ESQ.
155 Carver Street
Huntington, NY 11743

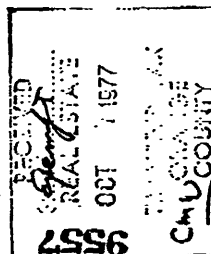
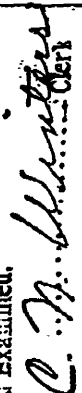
Zip No.

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**CHICAGO TITLE
INSURANCE COMPANY**

SERVE THIS SPACE FOR USE OF RECORDING OFFICE

TAXES, CONVEYANCE, S.S.
Recorded on the 19th day
of October 1977 at 9:19
A.M. in Liber 2080
Deed... at page 1000.
id Examined.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

10-43

Date: 10/2/00

I. ✓ Applicant Information:

- (a) Herb Slepoy 104 S. Central Room 20 Valley Stream NY 872-9572
(Name, address and phone of ~~applicant~~ ⁵¹⁶⁻ (Owner))
- (b) Steven Berke PO Box 701 Vails Gate, NY 845-542-2755
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) SIGN HERE SIGN CO INC. 58-66 Jersey Ave Port Jervis NY 12771 845-6366
(Name, address and phone of contractor/~~engineer~~/~~architect~~ ^{sign installer})

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) C 1019 Route 94 69-4-26.13 1.4 Acres ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? AUG. 24, 1973
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? NO
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

N/A
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes____ No____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

| <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|------------------------------|------------------------------|-------------------------|
| Min. Lot Area _____ | _____ | _____ |
| Min. Lot Width _____ | _____ | _____ |
| Reqd. Front Yd. _____ | _____ | _____ |
| Reqd. Side Yd. _____ | _____ | _____ |
| Reqd. Rear Yd. _____ | _____ | _____ |
| Reqd. Street Frontage* _____ | _____ | _____ |
| Max. Bldg. Hgt. _____ | _____ | _____ |
| Min. Floor Area* _____ | _____ | _____ |
| Dev. Coverage* _____ % | _____ % | _____ % |
| Floor Area Ratio** _____ | _____ | _____ |
| Parking Area _____ | _____ | _____ |

* Residential Districts only

** No-residential districts only

N/A
 (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

✓ VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-18-B-1, _____ Regs.

| | Requirements | Proposed or Available | Variance Request |
|--------|-------------------|-------------------------|-----------------------|
| Sign 1 | <u>2'6" x 10'</u> | <u>3'4" x 17'6 1/2"</u> | <u>10" x 7'6 1/2"</u> |
| Sign | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign | _____ | _____ | _____ |
| | _____ | _____ | _____ |

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

ONE BUILDING FACE CHANNEL LETTER SIGN ON RACEWAY. SIZE OF SIGN IS AESTHETICALLY CORRECT FOR BUILDING IT OCCUPIES. (SMALLER SIGN WOULD BE DWARFED BY SIZE OF BUILDING) LARGER SIGN IS NECESSARY DUE TO SETBACK OF BUILDING FROM ROAD. NEIGHBORING BUSINESSES HAVE LARGER SIGNS. OVER-SIZED SIGN IS NECESSARY TO REMAIN VISIBLE IN SURROUNDING ENVIRONMENT.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

32 sq

VII. Interpretation. 11/17

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the proposal before the Board:
- _____
- _____
- _____
- _____
- _____

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

4A(C)

2

12.1
3A

1

6
10.8A(C)

ST. HWY. NO. 300 - TEMPLE HILL ROAD

N.Y. STATE

NO.

STATE

HWY

NO. 32
HWY

STATE

SEC

19.2

7.3A(C)

C. H. G. & E.

26.13
1.4A(C)

26.12
1.1A

28

25

24

17

18

16

1A(C)

10

11

12

13

14

15